

REMARKS

Reconsideration of the application is requested.

Claims 1-18 are now in the application. Claims 1, 3, 6, 9, 10, and 17 have been amended. Claim 18 has been added. In addition to several substantive changes in the independent claims, we have introduced first line indents in several claims without introducing changes to the wording of the respective claim. The changed formatting has been identified as an amendment in the status identifier.

We now turn to the art rejections. First, claims 1-7, 10 and 17 have been rejected as being anticipated by U.S. Patent No. 6,732,027 to Betters et al. (hereinafter Betters) under 35 U.S.C. § 102.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 221 USPQ 385 (Fed. Cir. 1984). W.L. Gore and Assoc., Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303 (Fed. Cir. 1983). In other

words, a claim is anticipated if a single reference, either expressly or inherently, discloses every limitation of the claim at issue. In re Schreiber, 128 F.3d 1473 (Fed. Cir. 1997).

Betters does not teach a step of "transmitting control data from a ground control facility to the aircraft during in-flight operation." Accordingly, Betters does not anticipate claim 1.

Betters also does not teach means that simulate the current operation of the vehicle in real time so that the ground operator is subjected to the same "input" information as the operator of the vehicle. Accordingly, Betters does not anticipate claim 10.

Betters also does not monitor data at a ground control facility and animate a control instrument panel if the data indicates an alarm situation. Further, Betters does not provide the option of providing feedback to the aircraft via control data. Accordingly, Betters does not anticipate claim 18.

Betters is concerned with collecting maintenance-related information. The system then analyzes the data for preventive maintenance and for setting alert stages as the result of the analysis. Without more, Betters deals with an information stream from the aircraft to the ground-based facility. Feedback to the aircraft is very limited. Importantly, no control data (or control signals) are transmitted to the aircraft in real time during in-flight operation. Betters lacks the capability of providing ground-based control of any airborne system. Betters, therefore, neither anticipates nor renders obvious the claimed invention.

Next we address the rejection of claims 1-17 as being anticipated by U.S. Patent No. 6,545,601 to Monroe under 35 U.S.C. § 102.

Monroe teaches a comprehensive surveillance/communication system for monitoring a vehicle either in port or in service. The system permits a ground station to monitor and/or determine the identity, location and heading of a vehicle. Monroe is quite similar to the above-discussed reference Betters in this regard. In addition, Monroe's system allows the ground-based operator to "gain control of the steerable camera . . . via remote control."

The Examiner argued that Monroe allows "remote operation of the vehicle (columns 6-7)". Office action, p. 4. Applicant respectfully disagrees. Monroe indeed transmits a host of information from the "transport" to the ground station and it is possible to analyze the data "even while the aircraft still in flight." Id. The monitors at the ground-based system have full "synchronized" viewing access to the on-board cameras. The "feedback" from the ground to the transport, however, is limited to gaining control of the steerable cameras. This, of course, falls considerably short of "remote operation of the vehicle."

Monroe does not teach "transmitting control data from the ground control facility . . . during in-flight operation." Accordingly, Monroe does not anticipate claim 1.

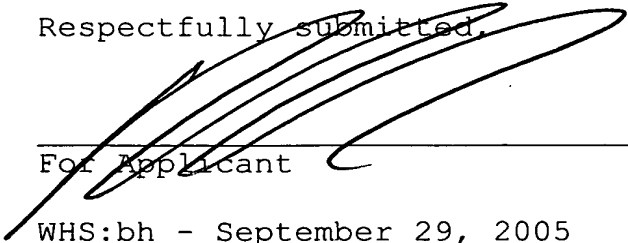
Monroe does not provide for a "means enabling an operator at said ground-based computer to receive information substantially identical" to the information received by the operator of the transport. Instead, the surveillance system of Monroe is provided in addition to the "normal" flight recorder information. That is, the cameras of the surveillance system "see" information that is quite different

from the information perceived by the pilot. Monroe, therefore, does not anticipate claim 10.

Monroe does not provide for an "active simulation" of the in-flight operation at the ground station. Monroe cannot control aircraft systems from the ground. Monroe, therefore, does not anticipate claim 18.

Neither Betters nor Monroe, whether taken alone or in any combination, either show or suggest the features of claims 1, 10, or 18. These claims are patentable over the art. The dependent claims are patentable as well because they all are ultimately dependent on either claims 1 or 10. In view of the foregoing, reconsideration and allowance of claims 1-18 are solicited.

Respectfully submitted,



For Applicant

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